

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00363

Rodney Dewayne Muckleroy,
Plaintiff,

v.

FNU Dr. White, et al.,
Defendants.

ORDER

Plaintiff Rodney Dewayne Muckleroy, proceeding pro se and in forma pauperis, brought this lawsuit pursuant to 42 U.S.C. § 1983, alleging that defendants were deliberately indifferent to his serious medical needs. Doc. 1. This case was referred to Magistrate Judge K. Nicole Mitchell. Doc. 2.

On January 31, 2020, defendants filed a motion for summary judgment, arguing that plaintiff had failed to exhaust administrative remedies before filing this lawsuit. Doc. 32. Plaintiff did not respond to the motion. Judge Mitchell entered a report and recommendation that defendants' summary judgment motion be granted. Doc. 41. The report was mailed to plaintiff (Doc. 43), who received it and did not file any objections.

When there are no timely objections to a report and recommendation, the district court only reviews the record for clear error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Here, because there is no clear error, the court **adopts** the report and recommendation and **grants** defendants' motion for summary judgment (Doc. 32). For the reasons stated in Judge Mitchell's report and recommendation, plaintiff's claims against defendants are **dismissed without prejudice**.

So ordered by the court on August 31, 2020.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge